

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRODY LEIS,

Case No.: 16-CV-45

Plaintiff,

and

DEAN HEALTH PLAN, INC. and UNITY  
HEALTH PLANS INSURANCE  
CORPORATION,

Involuntary Plaintiffs,

v.

THE AMERICAN NATIONAL RED CROSS,

Defendant.

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**NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1441 AND 1446**

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The American National Red Cross ("Red Cross") hereby files, pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal of a certain action pending in the Circuit Court of Dane County, Wisconsin, Case No. 15-CV-3148 and in support thereof states as follows:

1. The Red Cross is the defendant in an action entitled *Brody Leis, Dean Health Plan, Inc. and Unity Health Plans Insurance Corporation v. The American Red Cross*, Civil Action No. 15-CV-3148, which is pending in the Circuit Court of Dane County, Wisconsin (the "State Court Action").

2. On or about December 22, 2015, plaintiff served on the Red Cross a Civil Summons and Complaint. No prior papers were served on the Red Cross in the State Court Action.

3. In accordance with 28 U.S.C. § 1446(a), and to the best of the Red Cross's knowledge, the papers attached hereto as **Exhibit A** are all of the process, pleadings, and orders served to date upon the defendant in the State Court Action.

4. Federal subject matter jurisdiction exists in this action by virtue of 36 U.S.C. § 300105, a provision of the Red Cross's federal charter that grants it the power to "sue and be sued in courts of law and equity, State or Federal, within the jurisdiction of the United States."

5. The United States Supreme Court has held that the Red Cross's charter creates original federal jurisdiction over suits involving the Red Cross and that therefore the Red Cross is entitled to remove to federal court all state court actions it is defending. *American National Red Cross v. S.G.*, 505 U.S. 247 (1992).

6. The Red Cross desires to remove the State Court Action to this Court and submits this Notice, along with the attached Exhibits, in accordance with 28 U.S.C. §§ 1441 and 1446.

7. This Notice is being filed within 30 days after service on the Red Cross of a copy of the Complaint in the State Court Action and is, therefore, timely filed pursuant to 28 U.S.C. § 1446(b).

8. Written notice of the filing of this Notice of Removal will be given to all parties and, together with a copy of the Notice of Removal and supporting papers, will be filed with the Clerk of the Dane County, Wisconsin Circuit Court, as provided by 28 U.S.C. § 1446(d). *See* Certificate of Compliance with 28 U.S.C. § 1146(d) (attached as **Exhibit B**).

WHEREFORE, the Red Cross prays that the State Court Action be removed to this Court.

Dated this 20<sup>th</sup> day of January, 2016.

/s/ Michael P. Russart

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Michael P. Russart

State Bar No. 1023128

Attorney for Defendant American National  
Red Cross

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